

Testimony of Michael DesRosier  
Wednesday, March 25<sup>th</sup>, 2009  
Proponent of SB 236

My son was 17 years old when he was involved in a terrible tragedy that cost a man his life. The incident was later determined to be an accident, but because of rumor, false statements, and a vigorous prosecution, my son and our family were, for a time, facing the death penalty. This was a terrible trauma that has had a lasting effect on my son and his whole family even now 12 or 13 years later.

My 17 year old son was always a "good kid," but during the summer of his 17<sup>th</sup> year, he started to drink alcohol and hang around with less well behaved kids. After a day of drinking and partying he and a friend made the terrible decision to drive out of town at night on a dark stretch of highway. My son was driving and the friend was passed out drunk when they topped a hill and ran over a pedestrian that was in the roadway and killed him. They panicked and left the scene of the accident, a decision my son greatly regrets, and were caught the next day. The boys were arrested and brought in for questioning by the FBI, since the accident happened on the reservation.

After about a year there had been no charges brought, and my son was offered a job with Euro-Disney in France. Before he left, we wanted to make sure there were no pending charges against him. We contacted the US Attorney and were told that they were not going to pursue charges. So, my son went to France and went to work. While in France, after nearly a year of work, he was arrested by Interpol and held for extradition to the US to face capital murder charges as a result of this traffic death.

I traveled to France because there was no information released to us as to his whereabouts or reasons as to why he just disappeared from his place of employment. When I arrived in France, the US Embassy would not share any information with me and referred me to the French Justice Ministry. I still had no idea of my son's whereabouts. On meeting with the French Justice Ministry, I was informed of the charges filed against him and on his arrest and incarceration for extradition. I was also informed that the French Justice Ministry had reviewed the charges against him and did not agree with the charges or with the fact that the US Government would execute him. The French Government would not extradite him to face those charges and informed me while I was there that they would release him to me in France and allow him French citizenship so he could remain in France rather than face the death penalty. While I was there, the French Government negotiated with the US Government to agree that if he were found guilty, the sentence would not be the death penalty.

Before extradition, he would serve nine months in a French prison. He eventually was escorted back to the U.S. by federal marshals to stand trial for murder. This federal trial eventually led to a finding of involuntary manslaughter. He then served several months in a federal prison in Texas. My son deserved to be punished for his irresponsible decision, but he did not deserve to face capital charges or be held in a foreign prison because of his own country's policies.

I cannot express to you the fears and stress that our family had to go through upon hearing that our son and grandson was facing the possibility of execution for a stupid and tragic mistake by a teenager. This is a long story but it was all about race and politics and I think too often this comes into play, making it too selective on who is charged with capital murder verses another charge that would more fit the crime.